

Notice of Allowability

Application No.

10/016,836

Examiner

Satya B Sastri

Applicant(s)

KHAN ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on February 21, 2004.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DEADLINE

1. This office action is in response to the amendment filed on February 21, 2004. *Claims 1-20* are now pending in the application. In view of the amendment and response, rejection of *claims 1-20* are rejected under 35 U.S.C. 103(a) as being unpatentable over Grybowski et al. (US 5,004,772) in view of Davis et al. (US 5,612,141) and Vicenzi (US 4,759,799) is withdrawn.

Allowable Subject Matter

2. *Claims 1-20* are allowed.

The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest combined references to Grybowski et al. (US 5,004,772) in view of Davis et al. (US 5,612,141) and Vicenzi (US 4,759,799).

The present invention a homogeneous roofing and siding adhesive composition suitable for bonding a non-polymeric substrate member to a polymeric capping member which comprises a 60 to 75% solids mixture of (a) between about 0.5 and about 1.5wt.% of a thermosetting Styrene/isoprene/styrene block polymer-containing up to 90% styrene; (b) between about 1.3 and about 30 wt.% aromatic hydrocarbon solvent containing from about 5 to about 20 wt.% aliphatic-hydrocarbon; (c) between about 29 and about 70 wt.% non-blown-asphalt optionally containing a minor amount of blown asphalt, (d) between about 1 and about 10 wt.% metal silicate; (e) between about 0.1 and about 5 wt.% of a C6 to C16 alkoxyalkyl amine substituted ester of a C2

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to C12 carboxylic acid; (f) from 0 to about 30 wt.% anhydrous inorganic filler; (g) from 0 to about 10 wt.% reinforcing fibers; (h) from 0 to about 5 wt.% water and (i) from 0 to about 5 wt.% thermoplastic latex.

The disclosure of Grzybowski et al. is in regard to asphalt roofing compositions for cold applications and based on asphalt elastomer compositions with cyclohexanone as the co-solvent. The disclosure teaches that the compositions may include 20 to 90 parts of asphalt, 1-30 parts of elastomers based on styrene-butadiene-styrene, EPR's, EPDMs, butyl, SIS, SEBS and/or blends of these. The solvent may include any of a well-known aromatic or aliphatic organic hydrocarbon solvents or combination thereof, able to solvate asphalt and at least some portion of the elastomer. Typical solvents include, but are not limited to: mineral spirits, kerosene, fuel oils, gasoline, naphtha, etc. The solvent is utilized in an amount ranging from 0-30 parts by weight of the total composition. The cyclohexanone co-solvent is utilized in an amount of from 4 to 35 parts by weight of the total composition. For purposes of thickening and/or reinforcing the adhesive, inert organic and/or inorganic fillers known in the art may be used in an amount ranging from 0 to 30 parts by weight of the total composition. Typical inert fillers may be clays, calcium carbonates, talcs, etc. Fibers can also be advantageously added, in an amount ranging from 0 to 20 parts by weight of the total composition. Fibers well in the art can be organic or inorganic, e.g. asbestos, synthetics, cellulose etc. Viscosity of the adhesive compositions as per ASTM D4470-85 and ASTM D5-86 are also disclosed. The mixing process involves preferably first adding the cosolvent and elastomer to a mixer and mixing the two components, adding asphalt dissolved in mineral spirits, fuel oil, etc., adding reinforcing fibers and/or fillers etc. Variations of the preferred method are also possible. The prior art does not teach a

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composition comprising 13-30 wt.% of solvent based on aromatic hydrocarbon containing 5 to 20 wt.% aliphatic hydrocarbon and the specific surfactant based on a C6 to C16 alkoxyalkyl amine substituted ester of a C2 to C12 carboxylic acid.

Therefore, the instantly claimed invention is deemed allowable over the closest prior art of record as per said art neither anticipating nor rendering obvious the instantly adhesive composition comprising specifically 0.5-15 wt.% of thermosetting SIS block copolymer containing upto 90% styrene, 29-70 wt.% of non blown asphalt, 1-10 wt.% metal silicate, 13-30 wt.% of solvent based on aromatic hydrocarbon containing 5 to 20 wt.% aliphatic hydrocarbon and the specific surfactant based on a C6 to C16 alkoxyalkyl amine substituted ester of a C2 to C12 carboxylic acid.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri at (571) 272-1112.

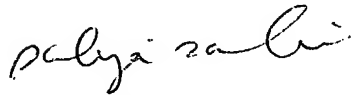
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached at (571) 272-1114.

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Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-0661.



SATYA SASTRI

March 15, 2004



DAVID W. WU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700